



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8871

UNITED STATES OF AMERICA,
Plaintiff,

v.

Hector BELTRAN-Zamudio (1)
a.k.a Evaristo BELTRAN-Zamudio,
Joel Guadalupe CARDENAS-Cota (2).
Defendants

) Mag. Case No.
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1324
) (a)(1)(A)(ii) -Illegal Transportation of
) Alien(s)

The undersigned complainant, being duly sworn, states:

On or about October 23, 2007, within the Southern District of California, defendant Hector BELTRAN-Zamudio and Joel Guadalupe CARDENAS-Cota with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Luis Gerardo CABRERA-Cortez, Arnuiño CABRERA-Rincon and Moises NERY-Gonzalez had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 25th DAY OF OCTOBER, 2007

Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Hector BELTRAN-Zamudio (1)
4 a.k.a Evaristo BELTRAN-Zamudio,
5 Joel Guadalupe CARDENAS-Cota (2);

6 STATEMENT OF FACTS

7 The complainant states that this complaint is based upon statements in the investigative
8 reports by the apprehending officers, Border Patrol Agents S. Carter and A. Mills that on October
9 23, 2007 the defendants, Hector BELTRAN-Zamudio, the driver of a white 1992 Ford Aerostar
10 Van bearing Mexico license, BDW7961 who is a United States Citizen, and Joel Guadalupe
11 CARDENAS-Cota, the foot guide for the group who is a native and citizen of Mexico, were
12 apprehended near Calexico, California, as they smuggled eleven (11) undocumented aliens from
13 Mexico into the United States in violation of law.

14 At approximately 7:00 p.m. Agent M. Sandoval was operating the Calexico Border Patrol
15 Station's Remote Video Surveillance System and observed a group of individuals cross the
16 International Boundary with Mexico, approximately seven miles east of Calexico, California.
17 Agent Sandoval notified agents in the area and Agent M. Harrington was able to observe the
18 group coming north from the Border.

19 Agent Harrington observed a white Ford Aerostar Van stop on Carr Road and the
20 individuals boarded the van. Agents Harrington and J. Vega-Torres followed the van north on
21 Barbara Worth Road. Using the emergency lights and sirens on their Border Patrol Vehicles, the
22 agents attempted to stop the van. The van failed to yield and continued driving north. A
23 Controlled Tire deflation Device was successfully used on the Van, but it still failed to stop. The
24 van continued until the tires were completely flat and it finally came to rest. As the vehicle pulled
25 over, Agent Vega-Torres was able to visually see the driver, later identified as Hector
26 BELTRAN-Zamudio, by using his flashlight to illuminate him.

27 Agents approached the van and identified themselves to the occupants. When questioning
28 BELTRAN, it was determined he is a citizen of the United States. Questioning of the other
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WMC

1 occupants, it was determined they are natives and citizens of countries other than the United
2 States, illegally in the United States.

3 An individual of the group identified as Joel Guadalupe CARDENAS-Cota was
4 identified, by material witnesses' statements below confirmed this person was the individual who
5 guided the group across the International Boundary with Mexico. BELTRAN, CARDENAS and
6 the others were arrested and transported to the Calexico Border Patrol Station.

7 At the station Agent Sedano witnessed Agent Vega-Torres read BELTRAN his rights per
8 Miranda. BELTRAN stated he understands his rights and was willing to answer questions
9 without an attorney present. BELTRAN stated he lived in Mexicali, Mexico. BELTRAN stated
10 he was offered and accepted a job smuggling illegal aliens from a friend named "Pelon".
11 BELTRAN stated he did not know how much he was going to be paid. BELTRAN stated he met
12 with Pelon and he gave him the keys to the van. BELTRAN stated he went to an area and picked
13 up the illegal aliens. BELTRAN stated he saw the lights and heard the siren behind him.
14 BELTRAN stated he did not stop and someone flattened his tires. BELTRAN stated he knew he
15 should have stopped but kept driving. BELTRAN stated he was still in the driver's seat, behind
16 the steering wheel when arrested.

17 Agent Sedano witnessed Agent Vega-Torres read CARDENAS his rights per Miranda.
18 CARDENAS stated he understands his rights and was willing to answer questions without an
19 attorney present. CARDENAS stated he was offered and accepted a job from a friend.
20 CARDENAS stated he was going to get paid \$100 per person he smuggled. CARDANAS stated
21 he has been smuggling illegal aliens for approximately two months. CARDENAS stated he
22 guided the group north to the road and called for the driver to pick them up. CARDENAS stated
23 while in the van, he saw the lights behind them and knew someone had popped the tires.
24 CARDENAS stated the driver did not stop. CARDENAS stated the driver wanted him to get into
25 the drivers seat but he didn't. CARDENAS stated she has successfully smuggled aliens on four
26 other occasions. CARDENAS stated the same driver picked them up the day before and they
27 were successful in smuggling five illegal aliens. CARDENAS was shown a photo lineup number
28 1 and positively identified photo number one, BELTRAN, as the driver of the van. CARDENAS
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immigration record indicated that he has been arrested by the Border Patrol on twenty previous occasions for illegally entering the United States.

Material Witnesses Luis Gerardo CABRERA-Cortez, Arnulfo CABRERA-Rincon and Moises NERY-Gonzalez stated they are natives and citizens of Mexico illegally in the United States. Material Witnesses CABRERA-Cortez, CABRERA-Rincon and NERY stated they made arrangements to pay \$2500 to a smuggler in Mexico to be smuggled. CABRERA-Cortez and NERY stated the smuggler that guided them across the border to the road, CARDENAS, stayed in front of the group and gave them instructions. CABRERA-Cortez and NERY stated CARDENAS was talking on the phone with the driver. CABRERA-Cortez and CABRERA-Rincon stated a man, BELTRAN, was driving the van. CABRERA-Cortez stated when the group got in the van CARDENAS told BELTRAN to go. CABRERA-Cortez stated after he felt the van run over something, CARDENAS, who was in the front passenger seat, jumped into the back with the others. CABRERA-Cortez stated BELTRAN, who was driving, told CARDENAS to switch places with him and CARDENAS said "no". CARDENAS-Cortez and NERY were shown six-pack photo line up number two and positively identified photo number two, CARDENAS, as the smuggler who guided the group from Mexico.

The complainant states that the names of the Material Witnesses are as follows:

| <u>NAME</u> | <u>PLACE OF BIRTH</u> |
|-----------------------------|-----------------------|
| Luis Gerardo CABRERA-Cortez | Mexico |
| Arnulfo CABRERA-Rincon | Mexico |
| Moises NERY-Gonzalez | Mexico |

Further, complainant states that Luis Gerardo CABRERA-Cortez, Arnulfo CABRERA-Rincon, Moises NERY-Gonzalez are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.